



# Daily Digest

**Federal Communications Commission**  
**445 12th St., SW**  
**Washington, D.C. 20554**

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**Vol. 21 No. 92**

**May 13, 2002**

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## THE FOLLOWING ITEMS ARE DATED AND RELEASED TODAY:

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### NEWS RELEASES

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STATEMENT OF FCC CHAIRMAN MICHAEL POWELL ON U.S. SUPREME COURT DECISION IN TELRIC CASE. STMT. News Media Contact: David Fiske at (202) 418-0513 OCH [DOC-222445A1.doc](#) [DOC-222445A1.pdf](#) [DOC-222445A1.txt](#)

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### PUBLIC NOTICES

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Report No: 45233 Released: 05/13/2002. BROADCAST ACTIONS. MB [DOC-222428A1.txt](#)

Report No: 25233 Released: 05/13/2002. BROADCAST APPLICATIONS. MB [DOC-222385A1.txt](#)

Report No: PN02-2 Released: 05/13/2002. MEDIA BUREAU DIGITAL TEMPORARY AUTHORITY ACTIONS. MB [DOC-222413A1.doc](#) [DOC-222413A1.pdf](#) [DOC-222413A1.txt](#)

Released: 05/13/2002. MEDIA BUREAU IMPLEMENTS MANDATORY ELECTRONIC FILING OF FCC FORMS 301-CA, 346, 349 AND 350. (DA No. 02-1087). MB, MB. Contact: radio forms: (202) 418-2700 or television forms: (202) 418-1600 [DA-02-1087A1.doc](#) [DA-02-1087A1.pdf](#) [DA-02-1087A1.txt](#)

Released: 05/13/2002. EX PARTE PRESENTATIONS AND POST-REPLY COMMENT FILINGS IN PERMIT-BUT-DISCLOSE PROCEEDINGS. OMD. Contact: Barbara P. Chappelle at (202) 418-0310 [DOC-222383A1.doc](#) [DOC-222383A1.pdf](#) [DOC-222383A1.txt](#)

Released: 05/13/2002. ONE CALL'S REQUEST TO WITHDRAW PETITION FOR WAIVER. (DA No. 02-1140). WCB. News Media Contact: Janice M. Myles at (202) 418-1577 [DA-02-1140A1.doc](#) [DA-02-1140A1.pdf](#) [DA-02-1140A1.txt](#)

Released: 05/13/2002. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG. WCB. Contact: Reference Information Center at (202) 418-0270 [DOC-222369A1.pdf](#) [DOC-222369A1.txt](#)

Released: 05/13/2002. 700 MHZ GUARD BAND MANAGERS' FIRST ANNUAL REPORT IS DUE OCTOBER 1, 2002. (DA No. 02-1088). WTB. Contact: Denise Walter at (202) 418-0620, email: [dwalter@fcc.gov](mailto:dwalter@fcc.gov) [DA-02-1088A1.doc](#) [DA-02-1088A1.pdf](#) [DA-02-1088A1.txt](#)

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## TEXTS

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TIDEWATER COMMUNICATIONS, INC.. Issued a monetary forfeiture in the amount of \$10,000 to Tidewater Communications, Inc., for failure to exhibit lighting on its Windsor, Virginia antenna structure in violation of the Commission's rules. Action by: Chief, Enforcement Bureau. Adopted: 05/09/2002 by Forfeiture Order. (DA No. 02-1091). EB [DA-02-1091A1.doc](#) [DA-02-1091A1.pdf](#) [DA-02-1091A1.txt](#)

FRIENDSHIP CABLE OF TEXAS, INC.. Issued a monetary forfeiture in the amount of \$8,000.00 dollars, to Friendship Cable of Texas, Inc., Physical System ID 005073, for its willful and repeated violation for failure to comply with the Commission's cable signal leakage standards. Action by: Chief, Enforcement Bureau. Adopted: 05/08/2002 by Forfeiture Order. (DA No. 02-1086). EB [DA-02-1086A1.doc](#) [DA-02-1086A1.pdf](#) [DA-02-1086A1.txt](#)

AMENDMENT OF PART 2 OF THE COMMISSION'S RULES TO ALLOCATE THE 455-456 MHZ AND 459-460 MHZ BANDS TO THE MOBILE SATELLITE SERVICE. Terminated the proceeding in ET Docket No. 97-214 effective upon issuance of this Order. (Dkt No. 97-214). Action by: the Commission. Adopted: 04/29/2002 by ORDER. (FCC No. 02-131). OET [FCC-02-131A1.doc](#) [FCC-02-131A1.pdf](#) [FCC-02-131A1.txt](#)

AMENDMENT OF PART 15 OF THE COMMISSION'S RULES TO PERMIT OPERATION OF BIOMEDICAL TELEMETRY DEVICES ON VHF TV CHANNELS 7-13 AND ON UHF TV CHANNELS 14-46. Dismissed the petition for reconsideration filed by Cellular Phone Taskforce, and denied petition for partial reconsideration filed by the National Association of Broadcasters. (Dkt No. 95-177). Action by: the Commission. Adopted: 05/02/2002 by MO&O. (FCC No. 02-135). OET [FCC-02-135A1.doc](#) [FCC-02-135A1.pdf](#) [FCC-02-135A1.txt](#)

METTAWEE COMMUNITY SCHOOL, WEST PAWLET, VT. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief. Adopted: 05/10/2002 by ORDER. (DA No. 02-1111). WCB [DA-02-1111A1.doc](#) [DA-02-1111A1.pdf](#) [DA-02-1111A1.txt](#)

AMITY REGIONAL HIGH SCHOOL, WOODBRIDGE, CT. Dismissed request for review as moot. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1101). WCB [DA-02-1101A1.doc](#) [DA-02-1101A1.pdf](#) [DA-02-1101A1.txt](#)

MID PENINSULA SCHOOL, ROCK, MI. Dismissed request for review because the issues are now moot. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1112). WCB [DA-02-1112A1.doc](#) [DA-02-1112A1.pdf](#) [DA-02-1112A1.txt](#)

NEW YORK CITY BOARD OF EDUCATION, BROOKLYN, NY. Denied Requests for Review and affirms SLD's decision to deny funding for discounted services.. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Wireline Competition Bureau. Adopted: 05/09/2002 by ORDER. (DA No. 02-1089). WCB [DA-02-1089A1.doc](#) [DA-02-1089A1.pdf](#) [DA-02-1089A1.txt](#)

NEW YORK CITY BOARD OF EDUCATION, BROOKLYN, NY. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Wireline Competition Bureau. Adopted: 05/09/2002 by ORDER. (DA No. 02-1090). WCB [DA-02-1090A1.doc](#) [DA-02-1090A1.pdf](#) [DA-02-1090A1.txt](#)

LEVITTOWN UNION FREE SCHOOL DISTRICT, LEVITTOWN, NY. Denied Levittown's petition for reconsideration. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division,

Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1109). WCB [DA-02-1109A1.doc](#) [DA-02-1109A1.pdf](#) [DA-02-1109A1.txt](#)

ROPES INDEPENDENT SCHOOL DISTRICT, ROPESVILLE, TX. Dismissed request for review because it was filed untimely with the Commission. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1116). WCB [DA-02-1116A1.doc](#) [DA-02-1116A1.pdf](#) [DA-02-1116A1.txt](#)

FREEMAN SCHOOL DISTRICT NO. 358, ROCKFORD, WA. Denied request for waiver to consider application as timely filed within the filing window. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition. Adopted: 05/10/2002 by ORDER. (DA No. 02-1106). WCB [DA-02-1106A1.doc](#) [DA-02-1106A1.pdf](#) [DA-02-1106A1.txt](#)

PERTH AMBOY PUBLIC SCHOOLS, PERTH AMBOY, NJ. Denied request for review and affirmed SLD's decision to deny initial appeal as untimely. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1113). WCB [DA-02-1113A1.doc](#) [DA-02-1113A1.pdf](#) [DA-02-1113A1.txt](#)

YESHIVA AVIR YAKOV, SPRING VALLEY, NY. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1118). WCB [DA-02-1118A1.doc](#) [DA-02-1118A1.pdf](#) [DA-02-1118A1.txt](#)

ROCHESTER PUBLIC LIBRARY, ROCHESTER, NY. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1117). WCB [DA-02-1117A1.doc](#) [DA-02-1117A1.pdf](#) [DA-02-1117A1.txt](#)

KIMBALL SCHOOL DISTRICT 7-2, KIMBALL, SD. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competitoin Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1125). WCB [DA-02-1125A1.doc](#) [DA-02-1125A1.pdf](#) [DA-02-1125A1.txt](#)

PLEASANTVILLE PUBLIC SCHOOLS, PLEASANT, NJ. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1114). WCB [DA-02-1114A1.doc](#) [DA-02-1114A1.pdf](#) [DA-02-1114A1.txt](#)

CAPITOL REGION LIBRARY COUNCIL, WINDSOR, CT. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1103). WCB [DA-02-1103A1.doc](#) [DA-02-1103A1.pdf](#) [DA-02-1103A1.txt](#)

GRANGER SCHOOL DISTRICT NO. 204, GRANGER, WA. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1107). WCB [DA-02-1107A1.doc](#) [DA-02-1107A1.pdf](#) [DA-02-1107A1.txt](#)

MASSILLON CITY SCHOOL DISTRICT, MASSILLON, OH. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competitoin Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1110). WCB [DA-02-1110A1.doc](#) [DA-02-1110A1.pdf](#) [DA-02-1110A1.txt](#)

EAST MEADOW SCHOOL DISTRICT, EAST MEADOW, NY. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief,

Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1121). WCB [DA-02-1121A1.doc](#) [DA-02-1121A1.pdf](#) [DA-02-1121A1.txt](#)

COFFEEVILLE SCHOOL DISTRICT, COFFEEVILLE, MO. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1124). WCB [DA-02-1124A1.doc](#) [DA-02-1124A1.pdf](#) [DA-02-1124A1.txt](#)

CHARLES GIBSON PUBLIC LIBRARY, BUCKHANNON, WV. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1104). WCB [DA-02-1104A1.doc](#) [DA-02-1104A1.pdf](#) [DA-02-1104A1.txt](#)

YESHIVAH AND MESIVTA ARUGATH HABOSEM, BROOKLYN, NY. Denied request for waiver to consider application as timely filed within the filing window. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1119). WCB [DA-02-1119A1.doc](#) [DA-02-1119A1.pdf](#) [DA-02-1119A1.txt](#)

FORESTBURG INDEPENDENT SCHOOL DISTRICT, FORESTBURG, TX. Denied request for review and affirmed SLD's decision to deny initial appeal as untimely. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1126). WCB [DA-02-1126A1.doc](#) [DA-02-1126A1.pdf](#) [DA-02-1126A1.txt](#)

BENNET COUNTY SCHOOL DISTRICT 3-1, MARTIN, SD. Granted request for waiver seeking a waiver of the priority filing window deadline for Funding Year 3. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1102). WCB [DA-02-1102A1.doc](#) [DA-02-1102A1.pdf](#) [DA-02-1102A1.txt](#)

VIRGINIA STATE DEPARTMENT OF EDUCATION, RICHMOND, VA. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1123). WCB [DA-02-1123A1.doc](#) [DA-02-1123A1.pdf](#) [DA-02-1123A1.txt](#)

WALKER-HACKENSACK-AKELEY PUBLIC SCHOOLS, INDEPENDENT SCHOOL DISTRICT 113, WALKER, MN. Dismissed request for review because it was filed untimely with the Commission. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1120). WCB [DA-02-1120A1.doc](#) [DA-02-1120A1.pdf](#) [DA-02-1120A1.txt](#)

NEW ALBANY-FLOYD COUNTY CONSOLIDATED SCHOOL CORPORATION, NEW ALBANY, IN. Denied requests for review and affirmed SLD's decision to deny funding for discounted services. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1122). WCB [DA-02-1122A1.doc](#) [DA-02-1122A1.pdf](#) [DA-02-1122A1.txt](#)

PRINCE GEORGE'S COUNTY SCHOOLS, UPPER MARLBORO, MD. Denied request for reconsideration seeking review of a decision by the Division denying PGCP's request for review of a decision of SLD. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ORDER. (DA No. 02-1115). WCB [DA-02-1115A1.doc](#) [DA-02-1115A1.pdf](#) [DA-02-1115A1.txt](#)

IN THE MATTER OF APPLICATIONS FOR CONSENT TO THE TRANSFER OF CONTROL OF LICENSES AND SECTION 214 AUTHORIZATIONS FROM TELE-COMMUNICATIONS, INC., TRANSFEROR, TO AT&T CORP., TRANSFERREE. Removed the AT&T-TCI divestiture conditions contained in paragraphs 157 and 158 of the AT&T-TCI Merger Order effective immediately. (Dkt No. 98-178). Action by: the Commission.

Adopted: 05/09/2002 by ORDER. (FCC No. 02-143). WCB [FCC-02-143A1.doc](#) [FCC-02-143A1.pdf](#) [FCC-02-143A1.txt](#)

KANAWHA CHRISTINA SCHOOL, KANAWHA, IA. Granted request for review seeking review of SLD's denial of its application for discounts in Funding Year 4 under the schools and libraries universal support mechanism and remanded Kanawha's application to SLD for further processing. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division. Adopted: 05/10/2002 by ORDER. (DA No. 02-1108). WCB [DA-02-1108A1.doc](#) [DA-02-1108A1.pdf](#) [DA-02-1108A1.txt](#)

DODGE MEMORIAL PUBLIC LIBRARY DISTRICT, TAMMS, IL. Granted request for review challenging a denial by SLD of the Universal Service Administrative Company of Dodge's application for discounts in Funding Year 2 and remanded Dodge's application to SLD for further processing in accordance with this Order. (Dkt No. 96-45, 97-21). Action by: Deputy Chief, Telecommunications Access Policy Division. Adopted: 05/10/2002 by ORDER. (DA No. 02-1105). WCB [DA-02-1105A1.doc](#) [DA-02-1105A1.pdf](#) [DA-02-1105A1.txt](#)

**ADDENDA: THE FOLLOWING ITEMS, RELEASED MAY 10, 2002, DID NOT APPEAR IN DIGEST NO. 91:**

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**NEWS RELEASES**  
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MEDIA SECURITY AND RELIABILITY COUNCIL MEETING ON FRIDAY, MAY 17, 10:00 A.M.. News Release. News Media Contact: David Fiske at (202) 418-0513 or Margo Davenport at (202) 418-2949 MMB. Contact Barbara Kreisman at (202) 418-1605 or Susan Mort at (202) 418-1043 [DOC-222388A1.doc](#) [DOC-222388A1.pdf](#) [DOC-222388A1.txt](#)

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**PUBLIC NOTICES**  
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Released: 05/10/2002. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG. WCB. Contact: Reference Information Center at (202) 418-0270 [DOC-222438A1.pdf](#) [DOC-222438A1.txt](#)

Released: 05/10/2002. COMMISSION SEEKS COMMENT ON DOMESTIC SECTION 214 APPLICATION FOR CONSENT TO TRANSFER CONTROL FILED BY TELIGENT, INC.. (DA No. 02-1138). (Dkt No 02-103). WCB. Contact: Tracey Wilson at (202) 418-1394 or Bill Dever at (202) 418-1578 [DA-02-1138A1.doc](#) [DA-02-1138A1.pdf](#) [DA-02-1138A1.txt](#)

Released: 05/10/2002. COMMENTS INVITED ON ONTERA, INC. D/B/A ONTERA BROADBAND APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES. (DA No. 02-1134) Comp. Pol. File No. W-P-D-577, Section 214 Application. Comments Due: 05/24/2002. WCB. Contact: Carmell Weathers at (202) 418-2325, email: [cweather@fcc.gov](mailto:cweather@fcc.gov) or Jon Minkoff at (202) 418-2353, email: [jminkoff@fcc.gov](mailto:jminkoff@fcc.gov) or Pam Arluk at (202) 418-1471, email: [parluk@fcc.gov](mailto:parluk@fcc.gov), TTY: (202) 418-0484 [DA-02-1134A1.doc](#) [DA-02-1134A1.pdf](#) [DA-02-1134A1.txt](#)

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**TEXTS**  
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ERRATUM - 2000 BIENNIAL REGULATORY REVIEW OF PART 68 OF THE COMMISSION'S RULES AND REGULATIONS. Erratum to Order on Recon. released 04/10/02, modifying the rules to reflect that the manufacturers need not be identified on terminal equipment labels, which was not reflected in the new rules. (Dkt No. 98-163, 99-216). Action by: Chief, Industry Analysis and Technology Division, Wireline Competition Bureau. Adopted: 05/10/2002 by ERRATUM. (DA No. 02-1137). WCB [DOC-222390A1.doc](#) [DOC-222390A1.pdf](#) [DOC-222390A1.txt](#)

**ADDENDA: THE FOLLOWING ITEMS, RELEASED MAY 9, 2002, DID NOT APPEAR IN DIGEST NO. 90:**

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**PUBLIC NOTICES**

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Released: 05/09/2002. TARIFF TRANSMITTAL PUBLIC REFERENCE LOG. WCB. Contact: Reference Information Center at (202) 418-0270